

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDUL-JABBAR MALIK,

Petitioner,

-V₁-

SUPERINTENDNET MCGINNIS,

Respondent.

ORDER

336

06 Civ. 3661 (RJS)(GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The Court is in receipt of a letter dated September 9, 2009 from the respondent responding to letters dated June 2, 2009 and August 28, 2009 from the petitioner. All three letters are being docketed herewith.

It appears the parties dispute whether petitioner has exhausted his remedies with respect to certain claims. The Court may or may not need to resolve this dispute as part of its adjudication of the petition. In any event, the petitioner should now have the opportunity to file any additional response to the defendants' papers opposing his petition, which were filed in December 2007. (Petitioner's original response, a document entitled "Memorandum of Law In Support of Habeas Petition," was filed on May 16, 2008.).

Accordingly, the Court directs that if petitioner wishes to file any further memorandum of law or any other response to the respondent's opposition papers, he shall do so by October 13, 2009. At that time, the petition will be considered fully briefed.

Nothing in this Order is intended to preclude petitioner from pursuing any remedies in state court that he wishes to pursue.

SEP 14 2009

SO ORDERED.

Dated: September 11, 2009
At New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copies mailed to:

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